

WHY BUTLER WAS ACQUITTED.

FOLK'S LAMENTABLE FAILURE TO PRODUCE EVIDENCE WHICH HE HAD SAID HE POSSESSED—IN COMPETENCY OR DESIGN?

Joseph W. Folk is making the race for governor of Missouri on the claim that he, and he alone, has been the public official in the Democratic camp to prosecute the corruptionists within his own political party. The number of convictions obtained: the secrets of the grand jury and personal abuse of the men who are to-day, and have been for years, the head and front of the Missouri Democracy, are the materials which have been used and are being used by Folk in his campaign to obtain, first, the nomination and second, the election. We know nothing of wrangles within the Democratic party and care less; but we, together with all other Missourians, are interested—vitaly interested—in the publication of the truth about the boodle prosecutions upon which Folk bases his claim for preference over all other candidates.

The fact that Folk to-day is boon companion and hall fellow well met with the very Democratic machine leaders whom he denounced in order to obtain the votes of the people for the nomination, is another matter to which we shall pay attention at another time. What we are most concerned in, just now, is the claim that Folk is entitled to the governorship because he is the ONLY man in Missouri who was, and is, capable of convicting boodlers. This claim we declare is absolutely without foundation. On the contrary, there is not another lawyer in the state of Missouri who makes any pretensions to professional ability who, given the case against Col. Ed. Butler which Joe Folk had, would not have conducted the trial in an entirely different manner. FOLK HAD THE EVIDENCE BUT HE DID NOT USE IT.

After the trial of the only big boodler against whom Folk proceeded, it became clear to every lawyer in Missouri, that Folk was either incompetent as a public prosecutor, or he deliberately withheld testimony which was necessary to the conviction of the defendant. We base this charge upon three grounds:

First—That the state's witnesses against Butler were all self-confessed bribe-takers and perjurers.

Second—Mr. Folk's fatal blunder in asking for time to produce witnesses AND THEN NOT PRODUCING them to rebut the defense's testimony that Butler was not present in the House of Delegates when the city lighting bill was passed and did not there and then assure the members they would receive \$2500 each for their votes. THIS ERROR OF THE PROSECUTOR, DELIBERATE OR DUE TO INCOMPETENCY, ESTABLISHED AN ALIBI FOR BUTLER.

Third—Mr. Folk's utter failure to produce evidence to show any motive for the alleged bribery. Mr. Folk furnished the press with what he represented to be this evidence, less than a year ago. He then charged that the lighting bill boodles had been secured on two checks aggregating \$47,500 drawn by a director of the Laclede Gas Company, in favor of Edward Butler and Mr. Folk contested to assert his right as a public prosecutor to enter the Merchants-Laclede National Bank and secure the evidence of this alleged fact. Mr. Folk won. He secured the bank's record. What he represented to be this evidence all the St. Louis papers printed at the time. Mr. Folk then attempted to connect Butler, whom he charged with bribing the House, with the man, and the only man, said to be interested in the corrupt legislation.

NOT A PARTICLE OF ALL THIS ALLEGED EVIDENCE OF ONE YEAR AGO WAS PRODUCED BY MR. FOLK AT FULTON IN THE BUTLER TRIAL.

Was it because this director was the principal client and supporter of the late James L. Blair, the prosecution fund collector of Prosecutor Folk? Did this director contribute to the Folk prosecution fund? Did this director contribute to the Folk campaign fund? Why has Mr. Folk refused to furnish the people with a full list of the contributors and the amounts contributed to the Folk prosecution and campaign funds? Has the office of the circuit attorney of St. Louis been used for campaign purposes?

We charge that Mr. Folk alone was responsible for the failure to present ALL the evidence against Butler at Fulton.

Ed Butler was acquitted of the charge of bribery in the matter of the lighting ordinance, and it can not be charged to the account of legal technicalities. The case was submitted to a jury upon the evidence, and the jury found the defendant not guilty.

The case was tried in the country before a jury of farmers, and, while they were all Democrats, there is no warrant for assuming that they were all or any of them consciously influenced by partisan considerations. Indeed, rendering the verdict they did, indeed, upon the case as presented at Fulton, it can not fairly be said that guilt was shown beyond a reasonable doubt.

There were three points in which the prosecution blundered lamentably. The witnesses for the state, whose testimony implicated Butler, were all self-confessed bribe-takers and perjurers. They had taken many bribes and they had told many lies. Such men are not good witnesses, and yet they may tell the truth sometimes, and beyond a doubt, they would tell the truth, the whole truth, and, if permitted, more than the truth, to secure immunity from the penalties of their manifold crimes. And everybody knows that these men, and all the others who

have turned informers in these bribery cases, have done so to escape punishment for their own wrong-doing. And everybody knows that in some way or another, it may be extreme indiscretion, these men have been promised favor in some measure. The evidence of this is open before us. Where they had not been indicted when they turned state's evidence, they have not been indicted at all, and where they had been indicted they have not been brought up for trial.

And yet Mr. Folk has in every case posed these men as genuinely conscience-stricken and repentant, coming upon the witness stand, not from the hope of immunity, but from a desire to make atonement. He has compared these creatures to Saint Paul, and himself to Christ. As the light of the Savior shining from heaven upon the persecuting Saul of Tarsus converted him into Paul, the great missionary apostle, so the radiance emanating from the great Folk, the light of the ever-lasting smile, had converted the basest of the boodlers into the most sincere civic reformers. This false pretense did not fool the farmer jurors of Fulton. They knew they were asked to believe a lie when they were asked to believe that these men had become reformers, or that they had taken the witness stand from any other motive than the hope or expectation of favor. They were bad witnesses to begin with, and they were made worse by the false insinuation given them by the prosecutor.

The second point of blunder was the way in which the defense was met. The only evidence to connect Butler with the bribery was that of the informers as to his presence in the House when the bill was passed, and the assurance which they say he gave them that they would each get twenty-five hundred dollars and no more. As might have been anticipated, Butler denied having been present in the House at this time, and was supported in this denial by several witnesses. THE PROSECUTION ASKED TIME TO PRODUCE WITNESSES TO REBUT THIS. MR. FOLK GRANTED THE DELAY. MR. FOLK GRANTED MR. BUTLER AND THE OTHERS CAME, BUT THEY WERE NOT PUT UPON THE STAND, WITH THE MORAL EFFECT THAT BUTLER'S ALIBI WAS NOT ONLY NOT IMPACHED, BUT WAS STRONGLY CORROBORATED.

The third blunder is so remarkable as to be incomprehensible. There was no evidence to show any motive for the bribery. It was not made to appear that Butler had any interest in the pending bill, or that he was representing anybody who had. The charge upon the evidence amounted to this, that Butler paid forty-seven thousand and five hundred dollars of his own money to secure the passage of a bill in which he had no interest. Such a charge was absurd upon its face. There was either a great omission of evidence, or the evidence actually offered was false. It was material to show who was being benefited by this lighting bill, and who furnished the money that pushed it through. Butler was not interested peculiarly in the lighting bill, and nobody suspected him of furnishing the money that was used in the House of Delegates. If he had anything to do with the matter at all, it was as a mere agent for some one else. Who was this some one else, and why was he not brought forward? Less than a year ago, the newspapers were full of the fact that "the lighting boodles had been drawn out of the Merchants-Laclede National Bank on two checks which aggregated forty-seven thousand and five hundred dollars. The bank officers and the bank books showed the date and amount of the checks and who drew them. The drawer was a man who had made fat contributions to the Blair-Folk fund for the prosecution of boodlers. He had made fat contributions to political campaign funds. He was even then making very fat contributions in the way of loans to Mr. Blair, thus aiding him to post, none the day of his exposure and disgrace. This fat contributor was wanted to show why he drew those two checks for this singularly coincident sum on the very day or the day before the bribe money was paid to the delegates. He was wanted to make a contribution of knowledge. At least, so Mr. Folk of knowledge. At least, so Mr. Folk said, and he said it to all the newspapers, who in turn said it to all their readers. In spite of this, perhaps because of all this, the fat contributor did not respond to the call of a subpoena, but remained in New York, and elsewhere beyond the state, until the day that was said to have some relation to the statute of limitations in his own case. BUT NOTHING OF THIS EXPLAINS THE FAILURE TO CALL HIM TO FULTON AND HAVE HIM TELL THE JURY TO WHOM HE GAVE THE MONEY PAID ON THOSE TWO CHECKS. INSTEAD, THE SOURCE FROM WHICH THE MONEY CAME WAS LEFT A MYSTERY. IT MIGHT FOR ALL THE TESTIMONY SHOWED, HAVE DROPPED LIKE MANNA FROM HEAVEN.

All of which goes to show that an all-round ambition to be governor is not a necessary nor even a useful attribute of a prosecuting attorney.

The fact that every vote in Congress against pension legislation has been cast by a Democrat completely discounts Judge Parker's promise of liberal treatment by his party of the men whose claim on the gratitude and bounty of the Nation can never be adequately paid.

Mr. Bryan's Position.

(From the Chicago Record-Herald.)
Friends and countrymen, let's trust him—
Though he's not a man to trust—
Let's endeavor to elect him,
Though his cause is far from just;
I have put away all rancor
As I promised them I would,
I am for the splendid ticket,
Though it isn't any good.

Let us gird ourselves for battle—
But I hope we can not win—
Let us pray to be successful,
Though success would be a sin;
Let us give the people's banner
Unto him to nobly bear,
But it's dangerous to do it,
For he isn't on the square.

Let us wave our hats for Parker,
The poor tool of foxy Dave;
Let us rest our hopes upon him,
Though he's Mammon's cringing slave,
Let us raise him up to power,
Help to send him whooping through,
But remember—here I warn you—
You'll be sorry if you do.

Police Excuses.

DEMOCRATIC PRESS SAYS CHIEF KILEY DODGES THE REAL ISSUE.

Report to Governor Denounces Republican Judge But Says Nothing About Election Criminals Who Killed Young Scheel—A Machine Trick to Divert Attention From Acts of the "Indians."

The Democratic state administration is at its old tricks in endeavoring to obscure the real issue in the murder of young Scheel, growing out of attempts of Democratic "Indians" to place fictitious names on the registration lists in St. Louis. Governor Dockery, with a fine simulation of indignation, wrote Chief of Police Kiley, of St. Louis, the usual platitudes about desiring an honest ballot and a thorough investigation of the charges of fraud in the Republican press. The chief, of course, replied that there was no truth in the charges and devoted the greater part of his letter to abusing the Republican judges of registration. He failed to call attention to the fact that the Democratic state police of St. Louis had not made a single arrest for the murder of young Scheel, and seemed to think that he had absolved the police department and the Democratic administration of all blame when he declared that the Republican judges ran away from the registration place, as a matter of fact, the man had to flee for his life. The bullet which killed Scheel was intended for the Republican judge.

That we may not be accused of partisanship in this view of the case, we reproduce an editorial from the St. Louis Post-Dispatch (Dem.) of September 28, as follows:

"Chief of Police Kiley misses the point in his report to the governor on the disturbance at the registration booth which resulted in the death of young Scheel.

"He tells the governor the 'affray was started by a Republican judge.' The chief does not know this. But he does know that the affray grew out of an attempt to procure fraudulent registration of men who are still at large. 'Bulldozer' Beck's character is not in question. The question turns upon an attempted crime against the ballot box, which Beck sought to prevent.

"If Chief Kiley would be half as zealous to apprehend the real offenders as he is to make out Beck a ferocious bulldozer, he would perform a public service. If he will bring in the men who tried to register from the Jefferson Hotel, where they did not register, and who chased this doughty and invincible bulldozer down the street, he will have the men who tried to commit one crime, and perhaps the man who killed young Scheel.

"Never mind Beck for the present. The business of the police just now is to go on the warpath and capture the Indians."

BRYAN'S SUPPORT.

Eastern Democrats are censuring Col. Bryan for not supporting the Parker ticket more enthusiastically. Mr. Bryan is giving the Parker ticket about the same kind of support he received from the Eastern Democrats four and eight years ago.

FROM BAD TO WORSE.

Four years ago the Democratic party had the courage of its mistaken convictions. This year the party admits its former errors but has failed to offer any tangible declaration of intentions.

MACHINE REFORM.

On July 19 the St. Louis Republic, the leading Folk organ of Missouri Democracy, said:
"They (Cook and Allen) are enemies of Mr. Folk, their nomination will be a victory of anti-Folk forces; will disappoint the people and discourage the hopes raised by the fight against bad influences in government. The Democratic campaign will be burdened from the start."
And Mr. Joseph W. Folk, Democratic candidate for Governor, INDORSES COOK AND ALLEN AND ASKS FOR THEIR ELECTION.



Folk: "Oh, I don't know, I've done it."

HUMBUGGING THE PEOPLE.

FOLK DENOUNCED HAWES AND HAWES DENOUNCED FOLK, A FEW MONTHS AGO; NOW THEY LOVE EACH OTHER.

Joseph W. Folk, Democratic candidate for Governor, and Harry B. Hawes, former state machine police commissioner of St. Louis and at present Folk's manager, are making speeches from the same platform in an effort to convince the people of two things: First, that what Folk said about Hawes, last spring, was untrue and second, that the things which Hawes said about Folk, six months ago, are without foundation in fact.

So far as the general public is concerned it is clear. First, that Folk is acting a lie to-day, or he lied last spring; second, that Hawes is lying to-day, or he lied six months ago. No man can read what Folk said of Hawes, when the latter was a candidate for the nomination for Governor, and believe that Folk's acceptance of Hawes' services to-day is not a straight-out lie to Folk's former attitude. No man can read Hawes' denunciation of Folk's methods to secure the Democratic nomination for Governor, and not conclude that Hawes' present support of Folk is anything but a lie to his original charges.

That we may not be accused of partisanship in our view of the situation of these eminent young Democrats, we reprint a verbatim report of the speech made by Harry B. Hawes on March 11 at Military Hall, Twelfth and North Market streets, St. Louis. No one who reads this speech can say that Hawes' present position in supporting Folk and in menaging his campaign is consistent with his utterances upon that occasion.

The speech of Mr. Hawes is as follows:

Hawes on Folk.

"Tomorrow for the first time in the history of the Democratic party in this state lifelong Republicans and Municipal Ownership men who bolted the Democratic ticket in 1897, 1901 and 1902 will openly participate in a Democratic primary.

"I claimed in my Hannibal speech made in November last, that my opponent in this city was being supported by a conglomeration of political assets which was totally repugnant to party men.

"While knowing that the Republicans were assisting him openly and that the paid mercenaries of the Municipal Ownership party were receiving money to do his bidding, I had believed that nearly any man would have little trouble in securing the signature of twenty Democrats as petitioners for a delegation and party Democrats as delegates and judges and clerks of election.

"I was mistaken. No man whose political judgment is worthy of any consideration believes that my opponent has more than a bare chance of carrying two or three wards. I do not personally think he will carry one. (Applause.)

Folk Getting Ready to Bolt.

"Why, therefore, does he file delegations in wards where he did not have enough Democratic support to file a petition and list of delegates who were Democrats?

"The reason is now becoming apparent. His friends bolted at Clayton when I carried the county, they bolted at

New Madrid when I carried that county, and will contest both counties, and I now believe that a well-defined conspiracy exists to make contests of the result of to-morrow's primary, no matter what majority my delegates may have or what the outcome will be.

"Such utter disregard for the party's welfare is not surprising when we consider how loosely party loyalty sets on the shoulders of my opponent's main supporters in this city.

The Dogs are Barking.

"Every little free dog in the city is pushed to the front to make speeches denouncing me.

"Some of these speeches are printed and circulated broadcast throughout the state trying to deceive the country Democracy.

"The men who have made these speeches have not got enough influence in the city of St. Louis to carry a precinct for any proposition. (Great applause.)

"Being afraid to meet me in joint debate, because he knows I will ask him some questions, which he cannot avoid or evade answering, which he knows will put him out of the race, my opponent goes through the state complaining of his opponents dealing in personalities.

"At the same time he has Vandiver, who is paid \$100 a week to be in Washington, and five or six other men who devote their speeches to slander, vilification and abuse of myself. (Applause.)

May Expose Folk.

"I have thus far contented myself with attacking Mr. Folk's Democracy. My patience, however, has been sorely tried. And it may be that before the end of next week, in order to undeceive the people as to the character of Mr. Folk, that I may be compelled to show what sort of a man he really is and fear from him the mask of hypocrisy which has been so ably preserved by some of the papers of this city." (Great applause.)

A Letter from Hawes.

But the above was not all.

On the very day he delivered the above speech, Mr. Hawes wrote a letter to Folk couched in the following plain language:

"St. Louis, March 11, 1904.
Hon. Joseph W. Folk, Circuit Attorney, City of St. Louis, City:

"Dear Sir:—As members of the Democratic party, and as candidates for its nomination to the office of Governor, it is incumbent upon each of us to do all within his power to secure to every Democrat of the state an opportunity for the free and fair expression of his preference as between us.

"The convention of St. Louis county has been held, and a delegation to the state convention favorable to me has been elected. Your representatives and leaders undertake to impeach the action of this convention by false reports of violence and intimidation.

"Upon your side it is confessed that it was attempted to secure the election by methods at once undemocratic, secret, tricky and fraudulent.

"The county committee, dominated by your friends, was called together for the purpose of fixing the time and place for holding the convention in a manner which in itself shows a dishonest purpose. Your friends on the committee were advised of its meeting place a week beforehand.

"To those believed to be friendly to me notice was not sent until the day before, and then in such manner that the notice would not reach them in time. Caucuses were called for every township by your friends on the committee, and the time and place for the caucus was designated, and published as to every township except Central, the most populous in the county.

"The place in Central township was

left to be designated at his pleasure by your friend, R. H. Stevens, but, while consenting to your scheme of disfranchising the voters of this township, he seemed unwilling himself to carry it out.

"The actual execution of the fraudulent scheme was delegated to Weiner. The day for holding the caucus arrived.

"The voters of Central township gathered in great numbers. They inquired for the place of meeting, but no announcement was ever made.

"Your representative, Mr. Weiner, skulked through the town of Clayton, if he ever came there at all, in a covered hack, avoiding the voters, who upon every corner were inquiring where the caucus was to be held.

"But instead of giving him this information, to which they were of right entitled, it is not known to this day where Weiner pretended to hold this meeting. A list of thirty persons was published as delegates to the county convention favorable to you.

"When they were chosen, where, or by whom, is to this day a profound mystery. It is rumored that Weiner, with one or two others, who were in the hack with him, went to a blacksmith shop in the outskirts of Clayton, and there made up their list.

"Even this cannot be vouched for.

"It is known, however, that they were not in the courthouse or in any other public place in Clayton.

"It is known that there could not have been a half dozen men in their party.

"It is known that there were hundreds of Democrats, legal voters of Central township in Clayton on that day to attend the caucus and inquiring where it was to be held. These Democratic voters—and they were none less so because your representatives and their Republican allies choose to slander them as 'Indians'—met in a public place, open to every Democrat in the township, organized in due form and elected a delegation to the county convention.

"Similar methods to those employed by your leaders were used in other townships of St. Louis county.

"Desires to disfranchise the voters by keeping them from the caucuses, a large majority declared their preference for me.

"But I desire first and above all things to secure the success of the Democratic party.

"Whether you or I shall be the nominee is of small concern.

"That fair methods of ascertaining the party will shall be used is of paramount importance.

"I want no delegation from any county unless it is desired by the Democrats of that county that I shall have the delegation.

"I am willing to yield the advantage of my present position, and I ask you to unite with me in submitting this matter to primaries of St. Louis county, held in each township for the election of delegates, and called for a time which shall give ample notice to all the Democrats of the county, each poll the Democrats of the county, each poll the state committee from a list submitted by you, a second from a list submitted by me, and the third to all names submitted by me; time and names to be publicly announced one month in advance of the election.

"This method will insure that only legal Democratic voters participate in the primary, and that the delegates to the county convention chosen thereat fairly reflect the Democratic opinion of their respective townships.

"This will exclude the 'Indians' fabricated by the mendacity of your friends, and it will exclude the methods of fraud which your friends confess they have hitherto employed.

"It can harm no one who desires fair play, and it will make an end of the slanderous reports to which the enemies of Democracy are giving currency. Yours truly,
"HARRY B. HAWES"